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Co-Attorneys for Plaintiffs
 HENRY A., *et al*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

HENRY A., by his next friend M.J.; CHARLES
 and CHARLOTTE B., by their next friend R.D.;
 LEO C.; VICTOR C.; LINDA E.; and MASON I.,
 by his next friend M.J., individually and on behalf
 of others so situated,

Plaintiffs,

vs.

MICHAEL WILLDEN, Director of the Nevada
 Department of Health and Human Services; DIANE
 COMEAUX, former Administrator of

(Caption continued on following page.)

Nevada Division of Child and Family Services;
 AMBER HOWELL, Administrator of Nevada
 Division of Child and Family Services; VIRGINIA

Case No.: 2:10-CV-00528-RCJ-PAL

**PLAINTIFFS HENRY A.'S,
 CHARLES AND CHARLOTTE B.'S,
 AND MASON I.'S REQUEST FOR
 EXCEPTION TO SETTLEMENT
 CONFERENCE ATTENDANCE
 REQUIREMENT**

1 VALENTINE, former Clark County Manager;
2 DON BURNETTE, Clark County Manager;
3 CLARK COUNTY; TOM MORTON, former
4 Director of Clark County Department of Family
5 Services; LISA RUIZ-LEE, Director of Clark
6 County Department of Family Services; SYLVIA
7 CLARK, Senior Family Services Specialist;
8 YVETTE CHEVALIER, Caregiver Services
9 Manager; TERESA CRAGON, Case Manager;
10 DARREL FORD, Licensing Investigator; DEBBIE
11 MALLWITZ, Family Services Specialist II;
12 PATRICIA MARTIN, Family Services Specialist;
13 THOR MARTINEZ, Family Services Specialist I;
14 PHILOMENA OSEMWENGIE, Senior Family
15 Services Specialist; STACEY SCOTT, Family
16 Services Specialist I; SONYA WEATHERS,
17 Family Services Specialist II; and DOES XI-XX,
18 Defendants.
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1 This matter is scheduled for a settlement conference on May 27, 2014. The Court's Order
2 Scheduling a Settlement Conference requires that "all individual parties must be present."
3 (Docket No. 333) As discussed below, three of the seven Plaintiffs (Linda E., Leo C., and Victor
4 C.) will attend the settlement conference in person.

5 Four of the Plaintiffs (Henry A., Charles and Charlotte B., and Mason I.), however, reside
6 out-of-state, and it would present a hardship, either financial or because of schooling, for those
7 Plaintiffs to attend the settlement conference in person. Their relative young ages – three of them
8 are teenagers and one is five years old – also is a consideration as to their attendance if, as
9 detailed below, they otherwise are fully and adequately represented. Because these four
10 Plaintiffs' next friends are willing and able to attend the conference on their behalf, and will have
11 full and binding authority to act on their behalf, these Plaintiffs request an exception to the
12 Court's Order requiring their in-person attendance at the conference.

13 **Plaintiffs Linda E., Leo C., and Victor C.:** These plaintiffs all reside in Las Vegas and
14 will attend the settlement conference in person.

15 **Plaintiffs Charles and Charlotte B:** Charles and Charlotte B. live with their parents and
16 maternal grandfather in Kingman, Arizona. Charles is thirteen years old, and Charlotte is five
17 years old. The children's father recently was incarcerated. They are represented in this action
18 through their grandfather, R.D., who also lives in Kingman. Both Charles and R.D. were deposed
19 in Kingman, Arizona.

20 The families' limited means are such that the travel cost to Las Vegas for these Plaintiffs
21 and their grandfather would impose a significant financial burden. In view of this, and the young
22 age of Charles and Charlotte, they request to be represented at the settlement conference by their
23 grandfather R.D., who will have full and binding authority to act on their behalf.

24 **Plaintiffs Henry A. and Mason I.:** Henry A. is fifteen years old and lives in St. Louis,
25 Missouri, with his mother and two siblings. Henry was deposed in Missouri in this action.
26 Mason I. is sixteen years old and lives in Aberdeen, South Dakota. For Henry to attend the
27 settlement conference, he would need to miss one, if not two, days of high school.

1 Mason, who is profoundly deaf, is scheduled to be deposed on June 4 in Aberdeen.
2 Mason's father recently was incarcerated, and Mason presently lives with another relative who
3 works full-time. For Mason to attend the settlement conference, he would need to miss at least
4 one day of high school.

5 For Henry and Mason, the travel expenses required for in person attendance at the
6 settlement conference would impose a significant financial burden, especially given that each of
7 them would need to be accompanied by an adult. In addition, the fact that they would need to
8 miss school to attend the conference weighs in favor of an exception to their in person attendance.

9 Both Henry and Mason appear in this action through their next friend M.J. M.J. lives in
10 Rhode Island but was deposed in Las Vegas. M.J. has made plans to travel to Las Vegas to attend
11 the May 15 settlement conference on behalf of Henry and Mason. Accordingly, Henry and
12 Mason request that they be represented at the settlement conference by M.J., who will have full
13 and binding authority to act on their behalf.

14 **Request For Multiple Break-Out Rooms:** Given the number of Plaintiffs and next
15 friends who will be attending the settlement conference (five, assuming the request for an
16 exception is granted), and the need to privately confer with each plaintiff on settlement issues
17 specific to his or her case, Plaintiffs respectfully request that the Court secure several break-out
18 rooms for Plaintiffs, the next friends, and their counsel. This will enable them to conduct private
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1 meetings and place private calls that will be needed during the course of the settlement
2 conference. Plaintiffs expect that three or four such rooms would be sufficient.

3 Respectfully submitted.

4 Dated: May 16, 2014

5 By: /s/ Mark W. Danis

Mark W. Danis

6 *Attorneys for Plaintiffs*

7 Jack Londen

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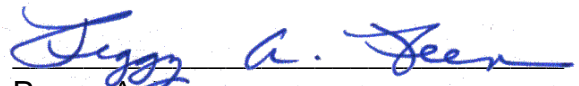
13 William Grimm

14 Leecia Welch

Erin Liotta

NATIONAL CENTER FOR YOUTH LAW

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17 **IT IS SO ORDERED** this 19th day of May, 2014.
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21 Peggy A. Leen

22 United States Magistrate Judge
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